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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,563	12/12/2001	Christopher R. Vincent	POU920010123US1	8792

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EXAMINER

LIU, I JUNG

ART UNIT	PAPER NUMBER
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3694

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11/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/022,563		VINCENT, CHRISTOPHER R.	
	Examiner		Art Unit	
	Marissa Liu		3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 5-7, 11-15, 18-22 and 25-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-10, 16-17, 23-24 and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4, 9-10, 16-17, 23-24 and 28-33 are presented for examination. Applicant filed an amendment on 6/22/2007 canceling claims 5-7, 11-15, 18-22 and 25-27 and adding new claims 28-33. In view of Applicant's amendment, the Examiner withdraws the grounds of rejection of claims 1-27 based on 35 USC 102. However, new grounds of rejection claims 1-4, 9-10, 16-17, 23-24 and 28-33 necessitated by Applicant's amendment are established in the instant office action as set forth in detail below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9-10, 16-17, 23-24 and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heimbigner ("Adapting Publish/Subscribe Middleware to Achieve Gnutella-like Functionality", Proceedings of the 2001 ACM Symposium on Applied Computing, March 2001, 176-181) in view of Walker et al., US Patent: 5,862,223.

3. As per claim 1 or 28 or 32-33, Heimbigner teaches a method or system or machine-readable medium for communicating between a purchaser and a plurality of sellers in an online marketplace, said method comprising the steps of:

receiving at a first user node of an electronic network, from a user computer node associated with a purchaser, a request for bid for a good or service to be sent from the purchaser to at least one seller through a server, the first user node being separate from the server and the

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first user node being separate from the purchaser and being separate from the at least one seller (page 178 refers to a client sending a query and page 176, introduction);

determining, at the first user node, whether or not to send the request for bid to the server (paragraph 2, page 178 explains that a local copy of a filter is applied first before forwarding to server);

forwarding, in response to determining to not send the request for bid to the, server node, the request for bid from the first user node to a second user node of the electronic network through a direct connection, the second user node being separate from the server and the second user node being separate from the purchaser and separate from the at least one seller, wherein the request for bid, when forwarded, does not identify either the purchaser or the first user node (page 178, second paragraph dealing with forwarding messages, the specification defines sellers as “suppliers”, therefore “each peer notes where the subscription came from , and forwards it to its peers” is equivalent of “seller”; page 178, first paragraph of introduction);

sending, in response to determining to send the request for bid to the server node, the request for bid from the first user node to the server node for publication to the at least one seller, wherein the request for bid, when sent, does not identify either the purchaser or the first user node (page 178, second paragraph and page 176, introduction);

receiving at the first user node, through the server, at least one offer for the good or service from seller, at least one seller and the server sending the at least one offer offers not knowing the identity of the purchaser that is receiving the offers and the at least one seller and the server not knowing the identity of the first user node (page 178, the specification defines

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sellers as “suppliers”, therefore “each peer notes where the subscription came from , and forwards it to its peers” is equivalent of “seller”; page 178, first paragraph of introduction); and Heimbigner does not teach the following part of the step:

after receiving the offers, communicating a purchase order to one of the at least one seller that submitted an offer in order to purchase the good or service, the purchase order identifying the purchaser.

Walker et al. teaches:

after receiving the offers, communicating a purchase order to one of the at least one seller that submitted an offer in order to purchase the good or service (see column 8, lines 11-14, where “binding acceptance notification” is equivalent of “purchase order” defines “purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchase 302 and the seller 304” in the application’s specification), the purchase order (see column 8, lines 11-14, where “binding acceptance notification” is equivalent of “purchase order” defines “purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchase 302 and the seller 304” in the application’s specification) purchase order identifying the purchaser (see Fig. 21; column 2, lines 7-10; column 17, lines 3-12; column 18, lines 53-62 and column 52, lines 3-8).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add after receiving the offers, communicating a purchase order to one of the at least one seller that submitted an offer in order to purchase the good or service, the purchase order identifying the purchaser feature to the method for communicating between purchaser and a plurality of sellers of Heimbigner because Walker et al. teaches that adding the

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feature helps to bypass the service, though AMIX charged monthly fees so that the financial impact of such off-exchange activities might be offset and encouraged both buyers and sellers to post comments about each other so that future buyers and sellers would be able to evaluate the past reputation of one another (column 2, lines 7-14).

4. As per claim 2 or 16 or 24 or 29, Heimbigner and Walker et al. teach the method of claim 1 described above. Heimbigner further teaches the method comprising the steps of:

transmitting a statement of interest from the purchaser through the server to the at least one seller to the sellers via the electronic network, the statement of interest not identifying the purchaser to the server and not identifying the purchaser to the at least one seller (page 178, paragraph 2 and page 176, paragraph 1 of the introduction); and

receiving information in response to the statement of interest from at least one of the sellers via the electronic network, the sellers sending the information through the server, wherein the server and the at least one seller do not know not knowing the identity of the purchaser (page 178, paragraph 2 and page 176, paragraph 1 of the introduction).

5. As per claim 3 or 17 or 30, Heimbigner and Walker et al. teach the method of claim 2 described above. Walker et al. further teaches wherein in the step of transmitting the request for bid, the request for bid is transmitted to only the sellers that sent the information to the purchaser (column 7, line 57-column 8, line 1).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add transmitting the request for bid, the request for bid is transmitted

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to only the sellers that sent the information to the purchaser feature to the combined method of Heimbigner and Walker et al. because Walker et al. teaches that adding the feature helps to allow the user to select from a particular list of experts (column 8, lines 50-51).

6. As per claim 4 or 31, Heimbigner and Walker et al. teach the method of claim 1 described above. Heimbigner further teaches wherein the request for bid is associated with one or more selected category, the method further comprising the steps of:

configuring a plurality of publish-subscribe channels, wherein each publish and subscribe channel in the plurality of publish-subscribe channels is associated with respective category of goods and services (page 178, paragraph 2; page 176, Introduction);

accepting subscription requests from a subset of the at least one seller for at least one selected publish-subscribe channel within the plurality of publish-subscribe channels (page 178, paragraph 2; page 176, Introduction); and

transmitting the request for bid for the good or service to the subset of the sellers that subscribe to at least one selected publish-subscribe channel (page 178, paragraph 2; page 176, Introduction).

7. As per claim 9, Heimbigner and Walker et al. teach the method of claim 1 described above. Heimbigner further teaches the method comprising the steps of:

receiving, at the server sending the information not knowing the identity of the purchaser (page 178, paragraph 2; page 176, Introduction); and

Heimbigner does not teach:

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A statement of interest from the purchaser via the electronic network, the statement of interest not identifying the purchaser;

transmitting information in response to the statement of interest to the purchaser via the electronic network, the seller and the server sending the information not knowing the identity of the purchaser.

Walker et al. teaches:

A statement of interest from the purchaser via the electronic network, the statement of interest not identifying the purchaser (column 7, lines 52-61); and

transmitting information in response to the statement of interest to the purchaser via the electronic network, the seller and the server sending the information not knowing the identity of the purchaser (column 7, line 62-column 8, line 1 and column 9, line 66-column 10, line 7).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add a statement of interest from the purchaser via the electronic network, the statement of interest not identifying the purchaser and transmitting information in response to the statement of interest to the purchaser via the electronic network, the seller sending the information not knowing the identity of the purchaser features to combined method for communicating between purchaser and a plurality of sellers of Heimbigner and Walker et al. because Walker et al. teaches that adding the features help to have ability to provide anonymity to the end user (column 9, lines 66-67).

8. As per claim 10 or 23, Heimbigner and Walker et al. teach the method of claim 8 described above. Walker et al. further teaches wherein the purchase order (see column 8, lines 11-14, where "binding acceptance notification" is equivalent of "purchase order" defines

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“purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchase 302 and the seller 304” in the application’s specification) is the first communication in a transaction that identifies the purchaser to the seller (see Fig. 21; column 2, lines 7-10; column 17, lines 3-12; column 18, lines 53-62 and column 52, lines 3-8).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add wherein the purchase order is the first communication in a transaction that identifies the purchaser to the seller to the method or system or machine-readable medium of Heimbigner because Walker et al. teaches that adding the feature helps to bypass the service, though AMIX charged monthly fees so that the financial impact of such off-exchange activities might be offset and encouraged both buyers and sellers to post comments about each other so that future buyers and sellers would be able to evaluate the past reputation of one another (column 2, lines 7-14).

Response to Arguments

1. Applicant’s arguments with respect to claims 1-4, 9-10, 16-17, 23-24 have been considered but are moot in view of the new ground(s) of rejection. The citations are meant to aid Applicant in preparing the response, but the rejection is over the prior art IN ITS ENTIRETY. Applicant is responsible for reading the prior art in its entirety.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

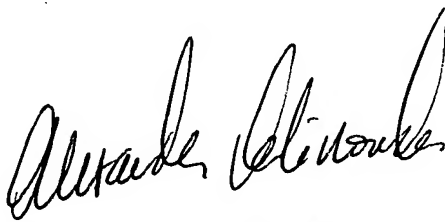
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6711. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. L.



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